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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,575	09/22/2003	Masao Obama	008312-0306030	6836
909	7590	07/01/2005	EXAMINER	
PILLSBURY WINTHROP SHAW PITTMAN, LLP P.O. BOX 10500 MCLEAN, VA 22102			MORRISON, THOMAS A	
			ART UNIT	PAPER NUMBER
			3653	

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/665,575

Applicant(s)

OBAMA ET AL.

Examiner

Thomas A. Morrison

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 3-7 and 11-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,8-10 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/22/03 & 4/22/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Figs. 1-4 in the reply filed on May 19, 2005 is acknowledged. The traversal is on the ground(s) that (1) there is no serious burden to search and examine the entire application; and (2) withdrawal of the restriction requirement will prevent duplicative examination. This is not found persuasive because the instant application, as currently amended after entry of the April 22, 2004 Preliminary Amendment, is directed to four (4) patentably distinct species that have substantially different structures and operating parameters. Searching for these substantially different structures places an undue burden upon the examiner. Examining such patentably distinct species individually lessens the burden on the examiner. As such, the requirement is still deemed proper and is therefore made FINAL.

Claim Objections

2. Claims 2, 9 and 10 are objected to because of the following informalities: (1) "take-out side" in claim 2 should be -- a take-out side --; (2) "both side" in claim 9 should be -- both sides --; and (3) "take-out side" in claim 10 should be -- a take-out side --. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-2, 8-10 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, it is unclear which paper sheet is referred to in lines 3-4. Is this recited "a paper sheet" the same or different from the previously recited "a paper sheet" in line 2.

Claim 1 recites the limitation "the paper sheet take-in side" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the opposite surface" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Also, it is unclear what is meant by the recited "the opposite surface of the pair of guide members". Is this the side opposite to the conveying surface on one of the guide members?

Claim 8 recites the limitation "the other one of said pair of guide members" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 9, it is unclear which paper sheet is referred to in lines 3-4. Is this recited "a paper sheet" the same or different from the previously recited "a paper sheet" in line 2.

Claim 9 recites the limitation "the paper sheet take-in side" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "the opposite surface" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Also, it is unclear what is meant by the recited "the opposite surface of the pair of guide members". Is this the side opposite to the conveying surface on one of the guide members?

Claim 16 recites the limitation "the other of said pair of guide members" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2 and 9-10, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Publication No. 2001-233501 (cited in applicant's April 22, 2004 IDS). In particular, Japanese Publication No. 2001-233501 discloses all of the limitations of claims 1-2 and 9-10.

Regarding claim 1, Fig. 17 shows a paper sheet detection apparatus including a conveying device (i.e., inherently there is a conveying device to convey the sheet (1) in the direction A, as shown in Fig. 17) which conveys a paper sheet (1) along a conveying surface (i.e., upper surface of 92);

a detection device (90) which is provided opposite to the conveying surface (i.e., upper surface of 92) and detects a paper sheet (1) conveyed by the conveying device;

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a guide device (including 91 and 92) which is provided in at least the paper sheet take-in side of the detection device (90) and formed with a pair of guide members (91 and 92) disposed opposite to each other at both sides of the conveying surface;

a nozzle (105 or 105') which is provided in the opposite surface of the pair of guide members (91 and 92); and

a gas supply device (connected to 105 and/or 105') which supplies compressed gas to the pair of guide members (91 and 92) and ejects the gas from the nozzle (105 or 105') between the pair of guide members (91 and 92).

Regarding claim 2, Fig. 17 shows that the guide device (including 91 and 92) is provided in the paper sheet take-in side and take-out side of the detection device (90).

Regarding claim 9, Fig. 17 shows a paper sheet detection apparatus including

a conveying device (i.e., inherently there is a conveying device to convey a sheet 1 in a direction A, as shown in Fig. 17) which conveys a paper sheet (1) along a conveying surface (i.e., upper surface of 92);

a detection device (90) which is provided opposite to the conveying surface (i.e., upper surface of 92) and detects a paper sheet (1) conveyed by the conveying device;

a guide device (including 91 and 92) which is provided in at least the paper sheet take-in side of the detection device (90) and formed with a pair of guide members (91 and 92) disposed opposite to each other at both side of the conveying surface;

a nozzle (105 or 105') which is provided in the opposite surface of the pair of guide members (91 and 92);

an energizing device (93) which elastically energizes one of the pair of guide members (91) toward the other guide member (92); and

a gas supply device (connected to 105 and/or 105') which generates a clearance between the pair of guide members (91 and 92) by moving one of the pair of guide members (91) against the energizing force of the energizing device (93), by supplying compressed gas to the pair of guide members (91 and 92) and ejecting the gas from the nozzle (105 or 105') between the pair of guide members (91 and 92).

Regarding claim 10, Fig. 17 shows that the guide device is provided in the paper sheet take-in side and take-out side of the detection device (90).

5. Claims 1-2, 8 and 16, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2,992,822 (Fraidenburgh). In particular, the Fraidenburgh patent discloses all of the limitations of claims 1-2, 8 and 16.

Regarding claim 1, Figs. 1-4 show a paper sheet detection apparatus including

a conveying device (13 and 14) which conveys a paper sheet (C1) along a conveying surface (19);

a detection device (including 46) which is provided opposite to the conveying surface (19) and detects a paper sheet (C1) conveyed by the conveying device;

a guide device (including 10 and 11) which is provided in at least the paper sheet take-in side of the detection device (including 46) and formed with a pair of guide members (10 and 11) disposed opposite to each other at both sides of the conveying surface (19);

a nozzle (20) which is provided in the opposite surface of the pair of guide members (91 and 92); and

a gas supply device (67) which supplies compressed gas to the pair of guide members (10 and 11) and ejects the gas from the nozzle (20) between the pair of guide members (10 and 11).

Regarding claim 2, Figs. 1-4 show that the guide device (including 10 and 11) is provided in the paper sheet take-in side and take-out side of the detection device (including 46).

Regarding claim 8, Figs. 1-4 show that the other one (10 or 11) of the pair of guide members (10 and 11) is fixedly provided.

Regarding claim 16, Figs. 1-4 show that the other (10 or 11) of the pair of guide members (10 and 11) is fixedly provided.


Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is (571) 272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh can be reached on (571) 272-6944. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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